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Paper No. 44

MAILED

JUL 01 2004

Technology Center 2100

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Fort Worth, Texas 75102

In re Application of:
Frederick HERZ et al.
Application No. 08/551,198
Filed: 31 October 1995
For: SYSTEM FOR CUSTOMIZED
ELECTRONIC IDENTIFICATION OF
DESIRABLE OBJECT

**DECISION ON PETITION
UNDER 37 C.F.R. § 1.181
TO WITHDRAW
HOLDING OF
ABANDONMENT**

This is a decision in response to the petition under 37 CFR 1.181 requesting the withdrawal of the holding of abandonment, filed 15 December 2003, in response to a Notice of Abandonment.

This application was held abandoned for failure to file a timely response to the Office action mailed 27 May 2003. A Notice of Abandonment was mailed on December 17, 2003.

In the absence of any apparent irregularity associated with the mailing of an Office communication, the Office presumes that the communication was properly mailed to the address of record. This presumption may be overcome by showing that the Office communication was not received.

The relevant portion of MPEP 711.03(c) states:

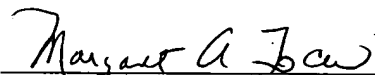
The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See Notice entitled Withdrawing the Holding of Abandonment When Office Actions Are Not Received, 1156 O.G. 53 (November 16, 1993).

In support of the petition, Applicant asserts that the Office communication of 27 May 2003 was not received. Applicant provides no evidence or further statement which would meet the criteria set out in MPEP 711.03(c).

Accordingly, the petition is **DENIED**.

Alternatively, applicant requests to petition to revive under 37 C.F.R. 1.137(b). A check in the amount of \$665.00 for the Petition to Revive has been received and processed. Accordingly, the application has been forwarded to the Office of Petition to consider the petition to revive under 37 C.F.R. 1.137(b).

Any inquiry concerning this decision should be directed to Vincent N. Trans whose telephone number is (703) 305-9750.



Margaret A. Focarino, Director
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